

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

LUIS HUGO GARCIA, :
Petitioner, : Civil Action No. 12-0107 (RBK)
: :
v. : **MEMORANDUM OPINION**
: :
FEDERAL BUREAU OF PRISONS, :
et al., :
: :
Respondents. : :

APPEARANCES:

Petitioner pro se
Luis Hugo Garcia
F.C.I. Fort Dix
Fairton, New Jersey

KUGLER, District Judge

Petitioner Luis Hugo Garcia, a prisoner confined at the Federal Correctional Institution at Fairton, New Jersey, has filed a Petition for writ of habeas corpus, pursuant to 28 U.S.C. § 2241, challenging the calculation of his sentence.

The filing fee for a petition for writ of habeas corpus is \$5.00. Pursuant to Local Civil Rule 54.3(a), the filing fee is required to be paid at the time the petition is presented for filing. Pursuant to Local Civil Rule 81.2(b), whenever a prisoner submits a petition for writ of habeas and seeks to proceed in forma pauperis, that petitioner must submit (a) an affidavit setting forth information which establishes that the petitioner is unable to pay the fees and costs of the

proceedings, and (b) a certification signed by an authorized officer of the institution certifying (1) the amount presently on deposit in the prisoner's prison account and, (2) the greatest amount on deposit in the prisoners institutional account during the six-month period prior to the date of the certification. If the institutional account of the petitioner exceeds \$200, the petitioner shall not be considered eligible to proceed in forma pauperis. Local Civil Rule 81.2(c).

Petitioner did not prepay the \$5.00 filing fee for a habeas petition as required by Local Civil Rule 54.3(a), nor did Petitioner submit an application for leave to proceed in forma pauperis.

CONCLUSION

For the reasons set forth above, the Clerk of the Court will be ordered to administratively terminate the Petition without prejudice. Petitioner will be granted leave to move to re-open within 30 days, by either prepaying the filing fee or submitting a complete application for leave to proceed in forma pauperis.

An appropriate Order will be entered.

s/Robert B. Kugler

Robert B. Kugler
United States District Judge

Dated: April 16, 2012